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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/711,613	11/13/2000	Takashi Higashida	MTS-3224US	7894
7590 06/15/2004				
Ratner & Prestia One Westlakes Berwyn P O Box 980 Suite 301 Valley Forge, PA 19482-0980			EXAMINER CHEVALIER, ROBERT	
			ART UNIT 2615	PAPER NUMBER
			DATE MAILED: 06/15/2004 4	

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/711,613

Applicant(s)

HIGASHIDA ET AL.

Examiner

Bob Chevalier

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9 and 10 is/are allowed.
- 6) ☒ Claim(s) 1,3,7 and 8 is/are rejected.
- 7) ☒ Claim(s) 2,4-6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 7-8, are rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art (Figure 9) described at page 2-3, of the present Application in view of Yamamoto.

The admitted prior art Figure (9) at pages 2-3 of the present Application discloses a recording apparatus that shows substantially the same limitations recited in claim 1, including the feature of recording audio/visual data and file management information on a recording medium as specified in the present claim 1. (See the admitted prior art (Figure 9) of the present Application).

The admitted prior art Figure (9) at pages 2-3 of the present Application fails to specifically disclose the feature of restoring file management information when the file management information is destroyed so as to make it possible to access a portion of the AV data recorded on the recording medium as specified in the present claim 1.

Yamamoto discloses an information recording device, which discloses the feature of restoring file management information when the file management information is destroyed so as to make it possible to access a portion of the AV data recorded on the recording medium as specified in the present claim 1. (See Yamamoto's paragraph entitled "Solution").

It would have been obvious to one skilled in the art to modify the admitted prior art (Figure 9) of the present Application wherein the recording means provided thereof would incorporate the capability of restoring file management information when the file management information is destroyed so as to make it possible to access a portion of the AV data recorded on the recording medium in the same conventional manner as is shown by Yamamoto. The motivation being to prevent abnormality during the reproduction of the recorded data as suggested by Yamamoto.

With regard to claim 3, the feature of restoring the file management information by utilizing an old file management information which is recorded on the recording medium as specified thereof is present in the proposed combination indicated above. (See Yamamoto's paragraph entitled "Solution").

With regard to claim 7-8, the feature of the recording medium being a hard disk as specified thereof is present in the proposed combination indicated above. (See the admitted prior art Figure (9) at pages 2-3 of the present Application).

4. Claims 2, 4-6, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 9-10 contain allowable subject matter over the prior art of record.

6. The following is a statement of reasons for the indication of allowable subject matter:

The claimed invention is directed to a method for recording/reproducing AV data. The independent claim identify the feature of "recording a starting address of each file in a file management information region of the recording medium; and restoring the file by using the starting address recorded in the file management when a discontinuity is detected in the file during reproduction operation of the AV data". The closest prior art, Yamamoto discloses a conventional file management information restoration system, either singularly or in combination fails to anticipate or render the above underlined limitations obvious.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 703-305-4780. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

B. Chevalier  
June 12, 2004.

  
ROBERT CHEVALIER  
PRIMARY EXAMINER